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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-321

11 **MELVIN L. JORDON, JR.**
12 **174 Rainier**
San Jose, CA 95126
13 **Registered Nursing License No. 671977**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about January 17, 2006, the Board of Registered Nursing issued Registered
22 Nursing License Number 671977 to Melvin L. Jordon, Jr. (Respondent). The Registered Nursing
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
3 or the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof.

6 “(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
7 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
8 section, in which event the court order of commitment or confinement is prima facie evidence of
9 such commitment or confinement.

10 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
11 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
12 section.”

13 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially
15 related to the qualifications, functions, or duties of the business or profession for which the
16 license was issued.

17 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
19 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
20 Code, the Board may renew an expired license at any time within eight years after the expiration.

21 9. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an
22 expired license at any time within eight years after the expiration.

23 10. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/
24 Director may request the administrative law judge to direct a licentiate found to have committed a
25 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
26 investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(CRIMINAL CONVICTIONS)

11. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(b), 2762(c) and/or 490 in that on or about November 28, 2005, in a criminal proceeding entitled *The People v. Melvin Laurel Jordon Jr.* in Santa Clara County Superior Court, Case Number CC503521, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code section 23103 (Reckless Driving). Respondent was sentenced to probation for three years, and ordered to pay a fine in the amount of \$1,735.00.

12. The circumstances were that on August 8, 2005, while driving southbound on Highway 87 in San Jose, California, Respondent's vehicle collided with another vehicle that was parked on the side of the road. Police officers arrived at the scene, and administered field sobriety tests due to the accident and to the smell of alcohol on Respondent's breath. Respondent failed the field sobriety tests, and a breathalyzer test determined his blood alcohol to be .14%.

13. Respondent is further subject to disciplinary action under sections 2761(a), 2761(f), and/or 490 in that on or about March 20, 2006, in a criminal proceeding entitled *The People v. Melvin Laurel Jordon Jr.* in Santa Clara County Superior Court, Case Number CC615695, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code section 12500 (Unlawful to Drive Unless Licensed). Respondent was sentenced to probation for one year, and ordered to pay a fine in the amount of \$155.00.

14. Respondent is further subject to disciplinary action under sections 2761(a), 2761(f), 2762(b), 2762(c) and/or 490 in that on or about April 3, 2007, in a criminal proceeding entitled *The People v. Melvin Laurel Jordon Jr.* in Santa Clara County Superior Court, Case Number CC652939, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code section 23152(b) (Driving with more than .08% blood alcohol). Respondent was sentenced to probation for three years, and ordered to pay a fine in the amount of \$2,170.00.

15. The circumstances were that on December 7, 2006, Respondent was pulled over by police on East Santa Clara Street in San Jose, California. Respondent failed field sobriety tests, and a breathalyzer test determined that his blood alcohol was .14%.

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2 SECOND CAUSE FOR DISCIPLINE
3 (DRIVING WHILE INTOXICATED)

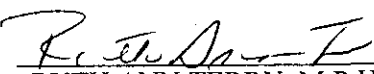
4 16. Respondent is subject to disciplinary action under sections 2761(a) and/or 2762(b), in
5 that on or about October 9, 2008, Respondent acted unprofessionally and used alcoholic
6 beverages in a dangerous manner when he was pulled over by police while driving on Stevens
7 Creek Boulevard in San Jose. Police checked the registration of Respondent's vehicle and
8 discovered that despite a 2009 registration sticker on the license plate, the vehicle's registration
9 had expired on June 8 2007. Respondent admitted to police that he had stolen a 2009 sticker from
10 another vehicle so that he could avoid paying his registration fees, and he admitted that his
11 driver's license was suspended. Respondent failed field sobriety tests, and a breathalyzer test
12 determined that his blood alcohol was .14%.

13
14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nursing License Number 671977, issued to
18 Melvin L. Jordon, Jr.
19 2. Ordering Melvin L. Jordon, Jr. to pay the Board of Registered Nursing the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;
22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 6/16/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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